

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

§

v.

§ CRIMINAL NO. 4:15cr10

§

ANGELICA GARCIA

§

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 18, 2015, to determine whether Defendant violated her supervised release. Defendant was represented by Michael Hawk. The Government was represented by Camelia Lopez.

On November 8, 2010, Defendant was sentenced by the Honorable Andrew S. Hanen, United States District Judge, to a sentence of 46 months imprisonment followed by a 3-year term of supervised release for the offense of Possession With Intent to Distribute More Than 500 grams, Approximately 2.7 Kilograms of Cocaine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 18 U.S.C. § 2. Defendant began her term of supervision on October 4, 2013. This case was transferred to this District and the Honorable Amos L. Mazzant, III on January 22, 2015.

On October 15, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 29). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state or local crime; and (3) Defendant shall not leave the judicial district without the permission of the Court or Probation Officer.

The Petition alleges that Defendant committed the following violations: (1) On August 26, 2014, in Lewisville, Texas, Defendant committed the offense of Driving While License Suspended: to wit: operated a motor vehicle in a public place without a valid drivers license, in violation of Texas Transportation Code § 521.457, a Class C Misdemeanor. On August 26, 2014, in Lewisville, Texas, Defendant committed the offense of Conspiracy With Intent to Distribute 500 Grams or More of a Mixture Containing a Detectable Amount of Methamphetamine or 50 Grams or More of Methamphetamine (actual), in violation of 21 U.S.C. § 846, as alleged in Criminal Docket No. 4:14cr146 in the Eastern District of Texas; and (2) On July 29, 2014, and August 20, 2014, Defendant entered the United States from Mexico through the Veterans International Port of Entry and Brownsville and Matamoros International Port of Entry, respectively. On August 26, 2014, Defendant was arrested for Conspiracy With Intent to Distribute 500 Grams or more of a mixture containing a detectable amount of Methamphetamine or 50 grams or more of methamphetamine (actual), in Lewisville, Texas. Defendant did not request permission from the probation officer to leave the judicial district.

Having considered the allegations made and testimony presented, the Court finds that Defendant has violated the terms of her supervised release and that her supervised release should be revoked.

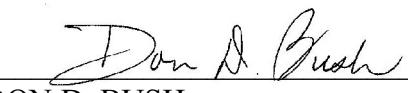
RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 18, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, with no

supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Brownsville, Texas, if appropriate.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations contained herein. 28 U.S.C.A. § 636(b)(1)(C).

SIGNED this 9th day of April, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE